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June 27, 2016

**BY ECF**

Hon. Marilyn D. Go  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Ronald Fourcand v. City of New York, et al., 15-CV-6146 (PKC) (MDG)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of the City of New York. Per your order dated April 29, 2016, the parties jointly write to advise the court on the current status of settlement negotiations in the above captioned case.

First, the parties would like to alert the Court to newly discovered facts that will impact the course of settlement negotiations. By way of background, Plaintiff has alleged he had surgery on his foot days prior to his arrest and detention, and that as a result of his arrest and detention, his foot became infected because he was denied appropriate medical care. In fact, in his Amended Complaint dated March 28, 2016 (Dkt. 13), Plaintiff added a "Deliberate Indifference to Medical Needs" claim. However, after receiving Plaintiff's medical records, it appears as if his surgery occurred *after* the arrest that is the subject of this case, and after a subsequent arrest on February 4, 2014, thus negating his claim for denial of medical care.

Accordingly, the parties have spoken and Plaintiff has agreed to discontinue the portion of his claim alleging that he was denied medical care as a result of his arrest.

With this new information, the parties have begun to engage in settlement discussions, and the City is currently working to respond to Plaintiff's demand.

Respectfully submitted,

/s/

Matthew E. Stein  
Assistant Corporation Counsel

MES/m

cc: Michael J. Redenburg, Esq.